

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MOBILE TELECOMMUNICATIONS
TECHNOLOGIES, LLC,

Plaintiff,

v.

LG ELECTRONICS MOBILECOMM
U.S.A., INC.,

Defendant.

CIVIL ACTION NO.
2:13-cv-00947-JRG-RSP

JURY TRIAL DEMANDED

**LGEMU’S OPPOSED MOTION FOR EXPEDITED BRIEFING REGARDING
EMERGENCY MOTION TO COMPEL DISCOVERY FROM MTEL**

Defendant LG Electronics MobileComm U.S.A., Inc. (“LGEMU”) respectfully requests that the Court set an expedited briefing schedule on LGEMU’s Emergency Opposed Motion to Compel Discovery from MTel, filed on February 4, 2016, as Dkt. No. 233. As set forth in the Motion to Compel, such discovery is necessary so that LGEMU is able to determine whether MTel can properly continue to accuse products sold by LGEMU to AT&T in this litigation in view of a recent settlement reached as between MTel and AT&T. This discovery could have a material impact on the amount of damages that MTel can assert it is entitled to in this case, as is evident from the Court’s recent Report and Recommendation issued earlier this week, which held that MTel cannot accuse certain devices sold by LGEMU to T-Mobile in view of a Settlement Agreement between MTel and T-Mobile. D.I. 216. As such, it is vital that LGEMU gain access to this discovery in time to address it at trial. Insofar as trial is scheduled to begin on February 8, 2016, there is insufficient time to brief the Motion to Compel in accordance with the

time allotted by the Local Rules. LGEMU suggests that the response of MTel be due on Friday, February 5, 2016 by noon, and that LGEMU not be permitted a Reply.

Dated: February 4, 2016

Respectfully submitted,

By: /s/ Jamie B. Beaber (w/permission by Allen F. Gardner)

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***Attorneys for Defendant/Counterclaimant
LG Electronics MobileComm U.S.A. Inc.***

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served this 4th day of February, 2016, with a copy of this document via electronic mail pursuant to Local Rule CV-5(d).

/s/ Allen F. Gardner

CERTIFICATE OF CONFERENCE

I certify that Defendant LGEMU has complied with the requirements of Local Rule CV-7(h). This motion is opposed. Specifically, the parties held a telephonic meet and confer on February 3, 2016. Jamie Beaber attended on behalf of LGEMU. Deron Dacus attended on behalf of MTel. Although the parties discussed their respective positions, they did not come to agreement and, as such, the meet and confer process ended in an impasse.

/s/ Allen F. Gardner